

S.B. CIVIL WRIT PETITION NO.734/1996.
(SHRI GOSHALA SURATGARH VS. SUKHARAM & OTHERS)

DATE OF ORDER : 10.07.2007.

HON'BLE MR. GOVIND MATHUR, J.

None present for the petitioner.
Mr. Shyam Ladreacha, AGA, for the respondents.

By this petition for writ, a challenge is given to the order dated 20.07.1995 passed by the Board of Revenue, Rajasthan, Ajmer rejecting the second appeal preferred by the petitioner giving challenge to the order dated 18.04.1990 passed by the Revenue Appellate Authority, Sriganganagar.

In brief facts of the case are that the petitioner a charitable institution received 21 bighas of agricultural land at khasra No.102, village Lakhasar in donation by its khatedar Smt. Dakhan Bishnoi. The land aforesaid being situated at the distance of 25 kms. from the town Suratgarh was not much convenient to operate "Goshala", therefore, an application was preferred on behalf of the petitioner before the Collector, Sriganganagar on 05.08.1967 to allot some other appropriate land close to town Suratgarh in exchange to the land aforesaid. The Collector, Sriganganagar allowed exchange of the land under an order dated 24.04.1968, thus, ordered for making allotment

of 14 bighas and 5 biswas of land in Murabba No.22/326 and 7 bighas and 5 biswas of land in Murabba No.21/320, Chak 10, Sriganganagar to the petitioner in exchange of 21 bighas of land owned by the petitioner.

The allotment of land under order dated 24.04.1968 was challenged by the respondents Dhannaram and Manphool with the contention that the land ordered to be given to the petitioner in exchange was already allotted to them earlier, accordingly by an order dated 01.08.1969 passed by the Revenue Appellate Authority, Sriganganagar, the order of allotment of land to the petitioner in exchange of 21 bighas of land was quashed. In the meanwhile, 21 bighas of land that was surrendered by the petitioner was allotted to the respondents No.1, 2 and 3 by treating them as "Antyodaya Parivar". The petitioner thus challenged the order passed by the Collector, Sriganganagar with regard to allotment of land to the Antyodaya Parivar by way of filing an appeal before the Revenue Appellate Authority, Sriganganagar. The Revenue Appellate Authority, Sriganganagar by its order dated 18.06.1980 rejected the appeal so preferred, hence a second appeal before the Board of Revenue was filed. The second appeal preferred under Section 76 of the Rajasthan Land Revenue Act also came to be rejected by the judgment impugned dated 20.07.1995. The Board of

Revenue, Rajasthan, Ajmer, while rejecting the second appeal directed the petitioner to submit a fresh application for making allotment of suitable land in exchange to the land surrendered by it with further direction to the Collector, Sriganganagar to allot suitable land in exchange within a period of three months from the date of receipt of the application for allotment.

By this petition for writ, while assailing validity, propriety and correctness of the order impugned, the contention of the petitioner is that the courts below erred while not appreciating the fact that the petitioner suffered the most by surrender of its land measuring to 21 bighas. According to the petitioner, in the event of non-allotment of land in exchange by the State Government, the Collector should have restored the petitioner's possession over 21 bighas of land that was surrendered by the petitioner.

I do not find any force in the contention so raised. As a matter of fact, after surrender of 21 bighas of land, suitable land was allotted to the petitioner, but as a consequent to quasi judicial order, the allotment made in favour of the petitioner was set aside. The land surrendered by the petitioner in the meanwhile was already given to three Antyodaya Parivars and as such to meet the eventuality arising, an appropriate order was

passed by the Board of Revenue to allow 21 bighas suitable land to the petitioner on submission of the application for allotment. The order passed by the Board of Revenue is quite equitable and it protects all rights of the petitioner. No interference, therefore, is required in the instant matter.

This petition for writ, therefore, is dismissed. However, the Collector, Sriganaganagar is directed to allot suitable land to the petitioner in exchange to the land surrendered by it within a period of six months from today, if not already allotted.

(GOVIND MATHUR)J.

Anil/